

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sung-wook PARK et al.

Application No. 09/981,288

Group Art Unit: 2621

Confirmation No. 5004

Filed: October 18, 2001

Examiner: Gelek W. Topgyal

For: DATA STORAGE MEDIUM IN WHICH MULTIPLE BITSTREAMS ARE RECORDED,
APPARATUS AND METHOD FOR RECORDING THE MULTIPLE BITSTREAMS, AND
APPARATUS AND METHOD FOR REPRODUCING THE MULTIPLE BITSTREAMS (As
Amended)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowance of December 15, 2008, is acknowledged. The issue fee and the publication fee are being submitted herewith.

Pursuant to 37 CFR 1.104(e) and MPEP 1302.14, the applicants hereby provide the following comments on the Examiner's Statements of Reasons for Allowance on page 2 of the Notice of Allowability included in the Notice of Allowance.

MPEP 1302.14 states as follows in pertinent part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible effects.

On page 2 of the Notice of Allowability, the Examiner states as follows:

The following is an examiner's statement of reasons for allowance: Independent claims 1, 5 and 13 recite the feature for [sic] "wherein : the navigation information comprises: an identifier to identify a particular bitstream of the main data; and playback time information for the sub data corresponding to the main data; and the main data, the sub data, and the navigation information are asynchronously recorded ", the closest cited prior art in [sic] Suzuki (US 6,763,178), Tsukagoshi (US 6,115,077), Purnaveja et al. (US 6,230,172) and Yamauchi et al. (US 6,088,507) discloses 1) conventional recording formats wherein the main data, sub data and navigation data are multiplexed with each other or 2) systems that allows [sic] separate sub data to be recorded however [sic] does not disclose that the navigation information with identifiers and playback time information are recorded asynchronously, and therefore either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

However, while the applicants agree with the Examiner that independent claims 1, 5, and 13 and claims 2-4, 6-12, 14-16, and 48 depending directly or indirectly therefrom are patentable, it is submitted that the prior art also does not disclose or suggest at least the combination of the following underlined features of claim 1:

1. A data storage medium comprising:
 - main data including audio data and/or video data;
 - sub data recorded in a separate bitstream from the main data to be reproduced in synchronization with the main data by a reproducing apparatus; and
 - navigation information defining a relation required for the main data and the sub data to be output in synchronization with each other by the reproducing apparatus;
- wherein:
- the navigation information comprises:
 - an identifier to identify a particular bitstream of the main data; and
 - playback time information for the sub data corresponding to the main data; and
 - the main data, the sub data, and the navigation information are asynchronously recorded.

or the combination of the following underlined features of claim 5:

5. A recording method comprising:
recording main data including audio data and/or video data;
recording sub data to be reproduced in synchronization
with the main data in a separate bitstream from the main data; and
recording navigation information defining a relation
required for the main data and the sub data to be reproduced in
synchronization with each other;
wherein:
the navigation information comprises:
an identifier to identify a particular bitstream
of the main data; and
playback time information for the sub data
corresponding to the main data; and
the main data, the sub data, and the navigation
information are asynchronously recorded.

or the combination of the following underlined features of claim 13:

13. A reproducing method comprising:
reading main data including audio data and/or video data
recorded in a discrete bitstream on a data storage medium;
reading sub data recorded in a separate bitstream from the
main data, on the data storage medium, which is reproduced in
synchronization with the main data; and
reproducing the read main data and the read sub data
based on navigation information defining a relation required for the
read main data and the read sub data to be reproduced in
synchronization with each other;
wherein:
the navigation information comprises:
an identifier to identify a particular bitstream
of the main data; and
playback time information for the read sub
data corresponding to the read main data; and
the main data, the sub data, and the navigation
information are asynchronously recorded.

Detailed arguments explaining why Yamauchi does not disclose or suggest the combinations of the above underlined features of claims 1, 5, and 13 were presented on pages 10-17 of the Amendment After Final Rejection of November 25, 2008.

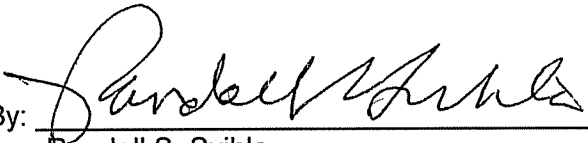
It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of the same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statements of Reasons for Allowance are not accurate and precise, and might be construed as placing unwarranted interpretations upon the claims, and are therefore improper pursuant to MPEP 1302.14.

Respectfully submitted,

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